

AMENDED IN ASSEMBLY JUNE 29, 2010

AMENDED IN SENATE APRIL 12, 2010

SENATE BILL

No. 1202

Introduced by Senator DeSaulnier

(Coauthor: Senator Hancock)

(Coauthors: Assembly Members Fong, Gatto, and Swanson)

February 18, 2010

An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1202, as amended, DeSaulnier. Elections: statewide ballot pamphlet.

Existing law specifies information that must be included in the statewide ballot pamphlet for each state measure to be voted upon.

This bill would require the Secretary of State to include in the ballot pamphlet a list of the 5 highest contributors *of \$50,000 or more* to each primarily formed committee supporting each state measure, as well as the total amount of their contributions, as of 110 days before election day.

The Political Reform Act of 1974, an initiative measure, generally provides that the Legislature may amend the act to further the act's purposes upon a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

The act also provides that, notwithstanding this requirement, the Legislature may amend specified provisions to add to the ballot pamphlet information regarding candidates or other information.

This bill, which would permit or require additional information to be included in the ballot pamphlet, would therefore require a majority vote.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9084 of the Elections Code is amended
2 to read:
3 9084. (a) The ballot pamphlet shall contain all of the following:
4 (1) A complete copy of each state measure.
5 (2) A copy of the specific constitutional or statutory provision,
6 if any, that each state measure would repeal or revise.
7 (3) A copy of the arguments and rebuttals for and against each
8 state measure.
9 (4) A copy of the analysis of each state measure.
10 (5) Tables of contents, indexes, art work, graphics, and other
11 materials that the Secretary of State determines will make the ballot
12 pamphlet easier to understand or more useful for the average voter.
13 (6) A notice, conspicuously printed on the cover of the ballot
14 pamphlet, indicating that additional copies of the ballot pamphlet
15 will be mailed by the county elections official upon request.
16 (7) A written explanation of the judicial retention procedure as
17 required by Section 9083.
18 (8) The Voter Bill of Rights pursuant to Section 2300.
19 (9) A list of the five highest contributors *of fifty thousand dollars*
20 *(\$50,000) or more* to each primarily formed committee supporting
21 each state measure and the total amount of each of their
22 contributions. Following the list shall be a statement that the list
23 reflects only the highest contributors *of fifty thousand dollars*
24 *(\$50,000) or more* as of 110 days before election day. For purposes
25 of this paragraph, the following apply:
26 (A) If a contributor is a committee controlled by a candidate,
27 the name of the candidate shall be listed.
28 (B) If a contributor is a sponsored committee, the name of the
29 sponsor shall be listed.
30 (C) The definitions set forth in Chapter 2 (commencing with
31 Section 82000) of Title 9 of the Government Code shall apply to
32 this paragraph.

(b) If the ballot contains an election for the office of United States Senator, information on candidates for United States Senator. A candidate for United States Senator may purchase the space to place a statement in the state ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth by the Secretary of State for the preparation of the state ballot pamphlet.

(c) If the ballot contains a question on the confirmation or retention of a justice of the Supreme Court, information on justices of the Supreme Court who are subject to confirmation or retention.

(d) If the ballot contains an election for the offices of President and Vice President of the United States, a notice that refers voters to the Secretary of State's Internet Web site for information about candidates for the offices of President and Vice President of the United States.

SEC. 2. Section 9086 of the Elections Code is amended to read:
9086. The ballot pamphlet shall contain as to each state measure to be voted upon, the following, in the order set forth in this section:

(a) Upon the top portion of the first page, and not exceeding one-third of the page, shall appear:

- (1) Identification of the measure by number and title.
- (2) The official summary prepared by the Attorney General.
- (3) The total number of votes cast for and against the measure in both the State Senate and Assembly, if the measure was passed by the Legislature.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis by the Legislative Analyst shall appear the list of the five highest contributors *of fifty thousand dollars (\$50,000) or more* to each primarily formed committee supporting each state measure, as required by paragraph (9) of subdivision (a) of Section 9084.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the final page

1 of the analysis of the Legislative Analyst. The rebuttals shall be
2 placed immediately below the arguments.

3 (e) If no argument against the measure has been submitted, the
4 argument for the measure shall appear on the right page facing the
5 analysis.

6 (f) The complete text of each measure shall appear at the back
7 of the pamphlet. The text of the measure shall contain the
8 provisions of the proposed measure and the existing provisions of
9 law repealed or revised by the measure. The provisions of the
10 proposed measure differing from the existing provisions of law
11 affected shall be distinguished in print, so as to facilitate
12 comparison.

13 (g) The following statement shall be printed at the bottom of
14 each page where arguments appear: "Arguments printed on this
15 page are the opinions of the authors, and have not been checked
16 for accuracy by any official agency."

17 ~~SEC. 3. Section 88001 of the Government Code, as amended~~
18 ~~by Section 3 of Chapter 137 of the Statutes of 2008, is amended~~
19 ~~to read:~~

20 ~~88001. (a) The ballot pamphlet shall contain all of the~~
21 ~~following:~~

22 ~~(1) A complete copy of each state measure.~~

23 ~~(2) A copy of the specific constitutional or statutory provision,~~
24 ~~if any, that would be repealed or revised by each state measure.~~

25 ~~(3) A copy of the arguments and rebuttals for and against each~~
26 ~~state measure.~~

27 ~~(4) A copy of the analysis of each state measure.~~

28 ~~(5) Tables of contents, indexes, art work, graphics, and other~~
29 ~~materials that the Secretary of State determines will make the ballot~~
30 ~~pamphlet easier to understand or more useful for the average voter.~~

31 ~~(6) A notice, conspicuously printed on the cover of the ballot~~
32 ~~pamphlet, indicating that additional copies of the ballot pamphlet~~
33 ~~will be mailed by the county elections official upon request.~~

34 ~~(7) A written explanation of the judicial retention procedure as~~
35 ~~required by Section 9083 of the Elections Code.~~

36 ~~(8) The Voter Bill of Rights pursuant to Section 2300 of the~~
37 ~~Elections Code.~~

38 ~~(9) A list of the five highest contributors to each primarily~~
39 ~~formed committee supporting each state measure and the total~~
40 ~~amount of each of their contributions as of 110 days before election~~

1 day. Following the list shall be a statement that the list only reflects
2 the highest contributors as of 110 days before election day. For
3 purposes of this paragraph, the following apply:

4 (A) If a contributor is a committee controlled by a candidate,
5 the name of the candidate shall be listed.

6 (B) If a contributor is a sponsored committee, the name of the
7 sponsor shall be listed.

8 (b) If the ballot contains an election for the office of United
9 States Senator, information on candidates for United States Senator.

10 A candidate for United States Senator may purchase the space to
11 place a statement in the state ballot pamphlet that does not exceed
12 250 words. The statement may not make any reference to any
13 opponent of the candidate. The statement shall be submitted in
14 accordance with timeframes and procedures set forth by the
15 Secretary of State for the preparation of the state ballot pamphlet.

16 (c) If the ballot contains a question as to the confirmation or
17 retention of a justice of the Supreme Court, information on justices
18 of the Supreme Court who are subject to confirmation or retention.

19 (d) If the ballot contains an election for the offices of President
20 and Vice President of the United States, a notice that refers voters
21 to the Secretary of State's Internet Web site for information about
22 candidates for the offices of President and Vice President of the
23 United States.

24 ~~SEC. 4.~~

25 *SEC. 3.* Section 88001 of the Government Code, as amended
26 by Section 63 of Chapter 1 of the Statutes of 2009, is amended to
27 read:

28 88001. (a) The ballot pamphlet shall contain all of the
29 following:

30 (1) A complete copy of each state measure.

31 (2) A copy of the specific constitutional or statutory provision,
32 if any, that would be repealed or revised by each state measure.

33 (3) A copy of the arguments and rebuttals for and against each
34 state measure.

35 (4) A copy of the analysis of each state measure.

36 (5) Tables of contents, indexes, art work, graphics, and other
37 materials that the Secretary of State determines will make the ballot
38 pamphlet easier to understand or more useful for the average voter.

1 (6) A notice, conspicuously printed on the cover of the ballot
2 pamphlet, indicating that additional copies of the ballot pamphlet
3 will be mailed by the county elections official upon request.

4 (7) A written explanation of the judicial retention procedure as
5 required by Section 9083 of the Elections Code.

6 (8) The Voter Bill of Rights pursuant to Section 2300 of the
7 Elections Code.

8 (9) A list of the five highest contributors *of fifty thousand dollars*
9 *(\$50,000) or more* to each primarily formed committee supporting
10 each state measure and the total amount of each of their
11 contributions as of 110 days before election day. Following the
12 list shall be a statement that the list only reflects the highest
13 contributors *of fifty thousand dollars (\$50,000) or more* as of 110
14 days before election day. For purposes of this paragraph, the
15 following apply:

16 (A) If a contributor is a committee controlled by a candidate,
17 the name of the candidate shall be listed.

18 (B) If a contributor is a sponsored committee, the name of the
19 sponsor shall be listed.

20 (b) If the ballot contains an election for the office of United
21 States Senator, information on candidates for United States Senator.
22 A candidate for United States Senator may purchase the space to
23 place a statement in the state ballot pamphlet that does not exceed
24 250 words. The statement may not make any reference to any
25 opponent of the candidate. The statement shall be submitted in
26 accordance with timeframes and procedures set forth by the
27 Secretary of State for the preparation of the state ballot pamphlet.

28 (c) If the ballot contains a question as to the confirmation or
29 retention of a justice of the Supreme Court, information on justices
30 of the Supreme Court who are subject to confirmation or retention.

31 (d) If the ballot contains an election for the offices of President
32 and Vice President of the United States, a notice that refers voters
33 to the Secretary of State's Internet Web site for information about
34 candidates for the offices of President and Vice President of the
35 United States.

36 (e) A written explanation of the appropriate election procedures
37 for party-nominated, voter-nominated, and nonpartisan offices as
38 required by Section 9083.5 of the Elections Code.

~~SEC. 5.~~

SEC. 4. Section 88002 of the Government Code is amended to read:

88002. The ballot pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(a) Upon the top portion of the first page and not exceeding one-third of the page shall appear:

(1) The identification of the measure by number and title.

(2) The official summary prepared by the Attorney General.

(3) The total number of votes cast for and against the measure in both the State Senate and Assembly if the measure was passed by the Legislature.

(b) Beginning at the top of the right page shall appear the analysis prepared by the Legislative Analyst, provided that the analysis fits on a single page. If it does not fit on a single page, then the analysis shall begin on the lower portion of the first left page and shall continue on subsequent pages until it is completed.

(c) Immediately below the analysis by the Legislative Analyst shall appear the list of the five highest contributors of *fifty thousand dollars (\$50,000) or more* to each primarily formed committee supporting each state measure, as required by paragraph (9) of subdivision (a) of Section 88001.

(d) Arguments for and against the measure shall be placed on the next left and right pages, respectively, following the page on which the analysis of the Legislative Analyst ends. The rebuttals shall be placed immediately below the arguments.

(e) If no argument against the measure has been submitted, the argument for the measure shall appear on the right page facing the analysis.

(f) The complete text of each measure shall appear at the back of the pamphlet. The text of the measure shall contain the provisions of the proposed measure and the existing provisions of law repealed or revised by the measure. The provisions of the proposed measure differing from the existing provisions of law affected shall be distinguished in print, so as to facilitate comparison.

(g) The following statement shall be printed at the bottom of each page where arguments appear: "Arguments printed on this

page are the opinions of the authors and have not been checked for accuracy by any official agency.”

~~SEC. 6. The amendments to Section 88001 of the Government Code contained in Section 4 of this act shall become operative only if Senate Constitutional Amendment 4 of the 2009–10 Regular Session is approved by the voters, in which case Section 3 shall not become operative.~~

~~SEC. 7.~~

SEC. 5. The Legislature finds and declares that this act amends the Political Reform Act of 1974 by permitting or requiring the inclusion of additional information on the ballot pamphlet in accordance with Section 88007 of the Government Code.

CORRECTIONS:

Text—Page 6.